

Remarks

Claims 1, 3-7, 12, 16-18, 23, 27-29, 34, and 38-40 are pending in this application. Claims 3 and 4 have been amended to correct typographical errors wherein "of" has been replaced with "or." No new matter has been added.

Applicants reserve their rights to pursue any unclaimed subject matter in the present application in one or more divisional, continuation, or continuation-in-part applications.

The Rejection Under Judicially Created Obviousness-Type Double Patenting

On pages 2-12 of the Office Action, various pending claims are rejected under the judicially-created doctrine of obviousness-type double patenting. In particular, certain pending claims are rejected over U.S. Patent No. 5,929,117 ("the '117 patent") under the judicially-created doctrine of obviousness-type double patenting. Applicants submit herewith a Terminal Disclaimer Under 37 C.F.R. § 1.321(c) (with provision for the required fee) disclaiming the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the '117 patent as described in the attached Terminal Disclaimer.

Accordingly, Applicants respectfully submit that the rejection under the judicially-created doctrine of obviousness-type double patenting over the '117 patent has been overcome and must be withdrawn.

Conclusion

Applicants respectfully request that the above amendments and remarks be entered in the present application file. No fee is believed to be due in connection with this Response other than that in connection with the Supplemental Information Disclosure Statement and Terminal Disclaimer; however, in the event that any additional fee is due, please charge the required fee to Jones Day Deposit Account No. 50-3013.

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Respectfully submitted,
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